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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,709	02/26/2002	Akira Ogino	SONYJP-183	5278

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Lerner David Littenberg Krumholz & Mentlik
600 South Avenue West
Westfield, NJ 07090

EXAMINER

VENT, JAMIE J

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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05/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/069,709

Applicant(s)

OGINO, AKIRA

Examiner

Jamie Vent

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10 and 12-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 22, 2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-10, and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable by Ellis et al (US 6,470,497) in view of Okuyama (US 6,289,169) in further view of Sugahara (US 6,466,619) in further view of King et al (US 6,828,967).

[claims 1 & 10]

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In regard to Claims 1 and 10, Ellis et al, discloses an additional copyright protection related information inserting apparatus and method for superimposing additional information on main information signals, comprising:

- Generating first and second insertion signals from the additional copyright protection information using methods related such that the first insertion signals of a first format are generated for the first intervals of the main information signals and the second insertion signals of a second format are generated for second intervals of the main information signals, and wherein the first and second intervals exists alternately along a time direction of the main information signals (Figure 5a shows the first and second insertion signals in the form of a graphic overlay wherein additional information regarding the received program signal is displayed wherein the second interval exists alternatively along a time direction as described in Column 10 Lines 20-52); however fails to clearly disclose a means for time division multiplexing the first and second insertion signals on the main information signal and the first and second insertion signals are two different encoding methods.

Okuyama discloses an apparatus for superimposing information on a main signal by multiplexing the first and second insertion signals on the main information signal as seen in Figures 4-7 and described in Column 1 Lines 60+ through Column 2 Lines 1-30. The superimposing information on the main signal and multiplexing the signal on the first and second insertion signal allows for better quality of viewing and recording. Sugahara discloses a system that provides data protection based on data and apparatus specifications. As described in Column 13 Lines 4-33 and shown in Figure 9 the data packet according to the system are transmitted as successive packets of data which are time-division multiplexed. The data as further seen in Figure 8 contains copy protection information associated with the additional data in the data stream and thereby allows for information to be transmitted through the encoded signal. The

multiplexed signal provides the ability for time division of the first and second insertion signal on the main information signal and further allows for additional copy protection information to be encoded with the data stream. King et al further teaches the ability to store and reproduce data streams having various encoding methods such as H.261, DV, MPEG, and JPEG as described in Column 7 Lines 15+. The various types of encoding allows for the system allows for processing by different systems that use various standards and thereby allowing the information that is being copy protected by the system to provide different encoding signals.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the inserting apparatus, as disclosed by Ellis et al, and incorporate a system wherein the signals are multiplexed, as disclosed by Okkuyama, and further incorporate a system wherein time division multiplexing can be implemented into the system, as taught by Sugahara, and further incorporate the signal being processed the ability to have two encoding methods, as disclosed by King et al.

[claims 3 & 12]

In regard to Claims 3 and 12, Ellis et al, discloses the additional information inserting apparatus and method wherein superimposing means superimposes the first and second insertion signals on the main information signals at predetermined intervals (Column 9 Lines 45-65 describes the intervals wherein the first and second insertion signals are superimposed onto the main information signal).

[claims 4 & 13]

In regard to Claims 4 and 13, Ellis et al, discloses the additional information inserting apparatus and method wherein the superimposing means superimposes the first and second insertion signals on the main information signals at intervals of a predetermined number of frames or fields (Column 9 Lines 45-65 describes the intervals of time wherein the first and second insertion signals are superimposed onto the main signal. By superimposing the signal at a predetermined time would allow the insertion to occur during a predetermined number of frames associated with the predetermined set time).

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[claims 5 & 14]

In regard to Claims 5 and 14, Ellis et al discloses the inserting apparatus and method wherein the superimposing means superimposes the first insertion signals and the second insertion signals to a plurality of regions of the main information signals, which regions are obtained by dividing signal units constituting the main information signals (Figures 5a-5c shows regions wherein first and second insertion signals are inserted onto the main information signal. Furthermore, it is described in Column 9 Lines 7-15 the regions of superimposing the insertion signal onto the main information signal).

[claims 6 & 15]

In regard to Claims 6 and 15, Ellis et al discloses the additional information inserting apparatus and method wherein the main information signals are image signals having frames or fields, and signal units of the main information signals are the frames or fields of the image signals (Figure 12b shows that the main information signals have frames or fields of an image signal as further disclosed in Column 9 Lines 10-21 wherein the main information signal is described as a NTSC format program signal and thereby meeting the limitation of image signal).

[claims 7 & 16]

In regard to Claims 7 and 16, Ellis et al discloses an inserting apparatus and method wherein the insertion signal generating means generates the first insertion signals and the second insertion signals from identical additional information (Column 9 Lines 23-33 describes the insertions signals are obtained by the programming information that is supplied from the RGB generator by the micro controller and thereby making the signal source identical).

[claims 8 & 17]

In regard to Claims 8 and 17, Ellis et al discloses an inserting apparatus and method wherein inserting signal generating means generates the first insertion signals and the second insertion signals by the use of key information, and generates different insertion signals by the use of key information, and generates

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different insertion signals from the additional information by varying the key information to be used (Column 10 Lines 16-52 describes the "FLIP" between various insertion signals by the use of information obtained from the user thereby varying key information to be used).

[claims 9 & 18]

In regard to Claims 9 and 18, Ellis et al discloses inserting apparatus and method wherein the insertion signal generating means generates different insertion signals from the additional information, as disclosed in Column 9 Lines 5+, however, fails to disclose the generation of additional information through varying the encoding method. Sugita et al discloses an information output device and as seen in Figure 8 element 22 shows the coding unit, which uses varying encoding methods as further described in Column 11 Lines 7-12. The use of varying encoding methods allows for the signal to be more difficult to copy thus allowing a more credible method of copy control. Therefore, it would have been obvious to one of ordinary skill in the art to use the inserting apparatus, as disclosed by Ellis et al, and incorporate an encoding technique for the additional information, as disclosed by Sugita et al, to allow for copy protection of the information signal.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kassatly (US 6,493,878).
- Cookson et al (US 5,463,565).

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jamie Vent

A handwritten signature in black ink, appearing to read 'J. Miller', with a long horizontal line extending to the right.

**JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**